UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5th day of September, two thousand and six.

PRESENT:

JON O. NEWMAN
JOSÉ A. CABRANES
ROBERT D. SACK
Circuit Judges

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PHILIP JOHNSON,

Plaintiff-Appellant,

v. No. 06-1051-cv

QUEENS ADMINISTRATION FOR CHILDREN'S SERVICES,
THE CITY OF NEW YORK,

Defendants-Appellees.

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APPEARING FOR APPELLANT: PHILIP JOHNSON, *pro se*, Brooklyn, NY

APPEARING FOR APPELLEE: DRAKE A. COLLEY, Assistant Corporation Counsel (Michael A. Cardozo, Corporation Counsel of the City of New York, Edward F.X. Hart, Assistant Corporation Counsel, *on the brief*), New York, NY

Appeal from a judgment of the United States District Court for the Eastern District of New York (Dora L. Irizarry, *Judge*).

UPON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the District Court be and hereby is **AFFIRMED**.

Plaintiff *pro se* Philip Johnson filed the instant action on August 12, 2002 under 42 U.S.C. §§ 1983, 1985, and 1986, challenging the June 3, 2002 removal of his children from his home by the Queens Administration for Children's Services ("ACS") and the ensuing proceedings against him in Queens County Family Court. The District Court, in a thoughtful and comprehensive opinion dated January 31, 2006, granted defendants' motion for summary judgment and dismissed Johnson's complaint in its entirety, holding that (1) as an agency of the City of New York, the ACS could not be sued, *Johnson v. Queens Admin. for Children's Servs.*, 2006 WL 229905, at *3 (E.D.N.Y. Jan. 31, 2006); (2) Johnson failed to demonstrate a constitutional violation, inasmuch as he was afforded an "opportunity to be heard at a meaningful time and in a meaningful manner," *id.* at *5 (internal quotation marks omitted); (3) Johnson had failed to establish that the City of New York "had a policy, custom, or practice of violating due process subsequent to removal of children from the home," *id.* at *6; and (4) to the extent that Johnson was asserting claims regarding the adequacy of the Family Court proceedings, the District Court lacked subject matter jurisdiction under the *Rooker-Feldman* doctrine, *id.* at *3 n.2 (citing *Exxon Mobil Corp v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005)).

We have considered all of plaintiff's arguments on appeal and have found each of them to be without merit. Accordingly, the judgment of the District Court is hereby **AFFIRMED**.

FOR THE COURT,
Roseann B. MacKechnie, Clerk of Court

By _____